

Order

Entered: November 19, 2002

**Michigan Supreme Court
Lansing, Michigan**

Maura D. Corrigan,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman,
Justices

2002-40

Proposed Amendment of Rules 7.302, 7.304,
and 7.315 of the Michigan Court Rules

On order of the Court, this is to advise that the Court is considering an amendment of Rules 7.302, 7.304, and 7.315 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment. The Court welcomes the views of all who wish to address the form or the merits of the proposal or to suggest alternatives. The proposal also will be considered by the Court at a public hearing. Notice of future public hearings will be posted by the Court at www.courts.michigan.gov/supremecourt.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[The present language would be amended as indicated below.]

Rule 7.302 Application for Leave to Appeal

(A) - (E) [Unchanged.]

(F) Decision.

(1) Possible Court Actions. The Court may grant or deny the application, enter a final decision, or issue a peremptory order. There is no oral argument on applications unless ordered by the Court. The clerk shall issue the order entered and mail copies to the parties and to the Court of Appeals clerk.

(2) - (4) [Unchanged.]

(G) [Unchanged.]

Rule 7.304 Original Proceedings

- (A) [Unchanged, but see proposal in ADM File No. 2002-46.]
- (B) [Unchanged.]
- (C) [Unchanged, but see proposal in ADM File No. 2002-46.]
- (D) [Unchanged.]
- (E) Decision. ~~There is no oral argument on the complaint.~~ The Court may set the case for argument as on leave granted, grant or deny the relief requested, or enter another order it finds appropriate, including an order to show cause why the relief sought in the complaint should not be granted. There is no oral argument on complaints unless ordered by the Court.

Rule 7.315 Call and Argument of Cases in Supreme Court

- (A) [Unchanged.]
- (B) Argument. In a calendar case, the time allowed for argument is 30 minutes for each side unless the Court orders otherwise. When only one side is represented, only 15 minutes is allowed unless the Court orders otherwise. The time for argument may be extended by the Court on motion filed at least 14 days before the session begins or by the Chief Justice during the argument. Oral argument should emphasize and clarify the written argument appearing in the brief filed. The Court looks with disfavor on an argument that is read from a prepared text.

Staff Comment: The proposed amendments of MCR 7.302 and 7.304 give the Supreme Court discretion to order oral argument before deciding whether to grant leave to appeal or to take other action with regard to applications for leave to appeal and original proceedings. The proposed amendment of MCR 7.315 gives the Court discretion with regard to the time for oral argument in calendar cases.

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on this proposal may be sent to the Supreme Court Clerk in writing or electronically by March 1, 2003, P.O. Box 30052, Lansing, MI 48909, or MSC_clerk@courts.mi.gov. When filing a comment, please refer to File No. 2002-40. Your comments and the comments of others will be posted at www.courts.michigan.gov/supremecourt.